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FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426  
JAN 15 2008

OFFICE OF ENERGY PROJECTS

Project No. 7528-009  
Canaan Hydropower Project  
Public Service Company of New Hampshire

To The Parties Addressed:

**Reference: Final Programmatic Agreement for the Canaan Hydropower Project**

Attached is a copy of the executed Programmatic Agreement for the Canaan Hydropower Project for your files. Thank you for your assistance in this matter. If you have any questions, please contact John Costello at 202-502-6119, or e-mail at [john.costello@ferc.gov](mailto:john.costello@ferc.gov).

Sincerely,



Vince Yearick, Chief  
Hydro East Branch 1

Addressees:

New Hampshire Division of Historical Resources  
Department of Cultural Resources  
79 Pillsbury Street  
Concord, NH 03301-3670  
ATTENTION: Ms. Edna Feighner

Vermont Division of Historic Preservation  
National Life Building  
2<sup>nd</sup> Floor  
Montpelier, VT 05620-1201  
ATTENTION: Ms. Giovanna Peebles

Mr. James Kearns  
Project Manager  
Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105

Mr. Don L. Klima  
Advisory Council on Historic Preservation  
1100 Pennsylvania Ave, NW  
Suite 809  
Washington, DC 20004  
ATTENTION: Ms. Najah Duvall-Gabriel

Enclosures: Programmatic Agreement

cc: Public Files

**PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL ENERGY REGULATORY COMMISSION,  
VERMONT STATE HISTORIC PRESERVATION OFFICE  
AND THE  
NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICE  
FOR  
MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED BY  
ISSUING A LICENSE TO  
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
FOR THE CONTINUED OPERATION OF THE  
CANAAN HYDROPOWER PROJECT  
ESSEX COUNTY, VERMONT AND COOS COUNTY, NEW HAMPSHIRE  
(FERC No. 7528)**

**WHEREAS**, the Federal Energy Regulatory Commission or its staff (Commission) proposes to issue a new license to Public Service of New Hampshire (Licensee) to continue operating the Canaan Hydropower Project (Project) as authorized by Part I of the Federal Power Act, 16 U.S.C. sections 791(a) through 825(r) as amended; and

**WHEREAS**, the Commission has determined that issuing such a license may affect properties included in, or eligible for inclusion, on the National Register of Historic Places (historic properties); and

**WHEREAS**, the Environmental Assessment For Subsequent Hydropower License, Canaan Project (FERC Project No. 7528), dated March 2008 and the associated Historic Properties Management Plan (HPMP), Canaan Hydroelectric Project, FERC Project No. 7528, filed November 24, 2008, provide a description of the Project's area of potential effects, historic properties identified as of the date of this Programmatic Agreement, anticipated effects, and the Licensee's proposed measures to protect historic properties; and

**WHEREAS**, the Commission has consulted with the Vermont and New Hampshire Historic Preservation Officers (SHPOs) pursuant to 36 C.F.R. Section 800.14(b) of the Advisory Council's on Historic Preservation (Council) regulations (36 C.F.R. Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f; hereinafter, "Section 106"); and

**WHEREAS**, the Licensee has participated in the consultation and has been invited to concur in this Programmatic Agreement; and

**WHEREAS**, the Commission will require the Licensee to implement the provisions

of this Programmatic Agreement as a condition of issuing the new license for the Facilities;

**NOW THEREFORE**, the Commission and the SHPOs agree that the Project will be administered in accordance with the following stipulations in order to satisfy the Commission's section 106 responsibilities during the term of the Facilities' license.

## **STIPULATIONS**

The Commission will ensure that, upon a license issuing for the Project, the Licensee implements the following stipulations. All stipulations that apply to the Licensee will similarly apply to any and all of the Licensee's successors. Compliance with any of the following stipulations does not relieve the Licensee of any other obligations it has under the Federal Power Act, the Commission's regulations, or its license.

### **I. HISTORIC PROPERTIES MANAGEMENT PLAN**

- A. Upon license for these Facilities, the Licensee will implement the HPMP.
- B. The Licensee will, within 30 days of every anniversary of license issuance, file a report with the SHPOs of activities conducted under the HPMP. The report will contain a detailed summary of any cultural resources work conducted during the preceding year; if no work was completed, a letter from the Licensee will be prepared to that effect, and will satisfy the intent of this stipulation.

### **II. DISPUTE RESOLUTION**

- A. If at any time during implementation of this Programmatic Agreement and the resulting HPMP, the SHPOs, the Licensee, or the Council objects to any action or any failure to act pursuant to this Programmatic Agreement or the HPMP, they may file written objections with the Commission.
  - 1. The Commission will consult with the objecting party, and with other parties as appropriate, to resolve the objection.
- B. If the Commission determines that the objection cannot be resolved, the Commission will forward all documentation relevant to the dispute to the Council and request that the Council comment. Within 30 days after receiving all pertinent documentation, the Council will either:

1. Provide the Commission with recommendations, which the Commission will take into account in reaching a final decision regarding the dispute; or
  2. Notify the Commission that it will comment pursuant to 36 C.F.R. section 800.7(c)(1) through (c)(3) of the National Historic Preservation Act, and proceed to comment.
- C. The Commission will take into account any Council comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The Commission's responsibility to carry out all actions under this Programmatic Agreement that are not the subject of dispute will remain unchanged.

### **III. AMENDMENT AND TERMINATION OF THIS PROGRAMMATIC AGREEMENT**

- A. The Commission, the SHPOs, or the Licensee may request that this Programmatic Agreement be amended, whereupon these parties will consult in accordance with 36 C.F.R. section 800.14(b) to consider such amendment.
- B. The Commission or SHPOs may terminate this Programmatic Agreement by providing 30 days written notice to the other parties, provided that the Commission, the SHPOs and the Council consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination. In addition, the Commission will seek comments from the SHPOs, and the Licensee on the termination during the 30-day notice period. In the event of termination, the Commission will comply with 36 C.F.R. sections 800.3 through 800.7(c)(3), with regard to individual actions covered by this Programmatic Agreement.

Execution of this Programmatic Agreement and subsequent implementation is evidence that the Commission has satisfied its responsibilities pursuant to section 106 of the National Historic Preservation Act, as amended, for all individual actions carried out under the license. Provided, however, that unless and until the Commission issues a license for the Facilities and this Programmatic Agreement is incorporated by reference therein, this Programmatic Agreement has no independent legal effect for any specific license applicant or Project.

**FEDERAL ENERGY REGULATORY COMMISSION**

By: Ann F. Miles Date: November 25, 2008

Ann F. Miles

Director, Division of Hydropower Licensing

**VERMONT STATE HISTORIC PRESERVATION OFFICER**

By: Jane Lendway Date: 12/5/08

Ms. Jane Lendway  
Vermont State Historic Preservation Officer

**NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER**

By: Elizabeth H. Muzzey Date: 12/8/08

Ms. Elizabeth H. Muzzey  
State Historic Preservation Officer



**CONCUR: PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

By: James J. McNamee Date: 12-8-08  
PROJECT MANAGER